

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GAIL WROBBEL,

Plaintiff,

No. 07-CV-10110-DT

vs.

Hon. Gerald E. Rosen

ASPLUNDH TREE EXPERT CO.,
et al.,

Defendants.

ORDER AFFIRMING MAGISTRATE JUDGE'S
DECEMBER 12, 2007 ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION OF SEPTEMBER 24, 2007
ORDER AWARDING DEFENDANT ATTORNEYS' FEES COSTS
ASSOCIATED WITH ITS AUGUST 2, 2007 MOTION TO COMPEL

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on January 11, 2008

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This matter is presently before the Court on Plaintiff Gail Wrobbel's Objections to Magistrate Judge Donald A. Scheer's December 12, 2007 Order denying Plaintiff's Motion for Reconsideration of the Magistrate Judge's earlier Order awarding Defendant Asplundh attorneys' fees and costs incurred in connection with its August 7, 2007 Motion to Compel. The Order taxed the fee award against Plaintiff's counsel, only, and ordered Plaintiff's counsel to pay Asplundh \$3,000 as attorneys fees and costs in connection with the filing and prosecution of its motion to compel discovery.

Having reviewed and considered the Magistrate Judge's Order, Plaintiff's Objections thereto, and the entire record of this matter, the Court finds that the Magistrate Judge's ruling was not clearly erroneous or contrary to law. *See* 29 U.S.C. § 636(b)(1)(A). The Magistrate Judge properly applied Fed. R. Civ. P. 37, properly considered the record concerning Plaintiff's counsel's failure to provide Defendant with requested discovery materials, and fairly determined the amount of attorneys' fees incurred by defense counsel in prosecuting Defendant's motion to compel. Indeed, the Magistrate Judge disallowed nearly half of the time billed by Defendant's attorney in connection with this matter. The Court agrees with the Magistrate Judge's finding and also agrees with his determination that \$215 hourly rate charged by defense counsel is a reasonable one.

For all of these reasons,

IT IS HEREBY ORDERED that the Magistrate Judge's Order Denying Plaintiff's Motion for Reconsideration [Dkt. # 84] is AFFIRMED.

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: January 11, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 11, 2008, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager